

REMARKS

Claims 1-6, 9, 10, 19, 20, 31, 33, 65, 66, 86, 91, 109-114, 117, 118, 121, 127, 128, 138, 139, 141, 156, 201, 202, 206, 218, 219, 221, 229, 233, 244, and 549-576 are pending in the present application. In view of the following remarks, Applicant respectfully requests reconsideration of the rejections and allowance of the Application.

Priority

The Examiner asserts a certified copy of the prior-filed application, Provisional Application No. 60/490,768, filed on July 28, 2003, entitled "Method for Synchronizing Audio Playback Between Multiple Network Devices," [hereinafter "*Provisional*"] has not been received by the Office. *Office Action*, 3. Applicant respectfully points out that the *Provisional* is available on PAIR.

Objections under 35 U.S.C. § 132(a)

The Examiner asserts that the amendment filed November 21, 2005 is objected to under 35 U.S.C. § 132(a) because it introduces new matter to the disclosure of the invention. *Office Action*, 4. In order to expedite prosecution of the present application, Applicant has accordingly amended the claims and specifications as specified by the Examiner and detailed as follows:

A. The Examiner asserts that matter was added which was not supported by the original disclosure relating to visual or audiovisual information being processed by the system. *Office Action*, 4. Applicant traverses. Visual and audiovisual information is mentioned at least at page 1, lines 14-16. In order to expedite prosecution of the present application, Applicant has canceled amendments to the specification relating to visual or audiovisual information being processed by the system, and Applicant has canceled claims 570 and 571.

B. The Examiner asserts that matter was added which was not supported by the original disclosure relating to possible components in an audio reproduction device.

Office Action, 4-5. Applicant has canceled amendments specifically relating to possible components in an audio reproduction device that the Examiner asserts is not supported by the original disclosure.

C. The Examiner asserts that matter was added which was not supported by the original disclosure relating to possible uses for embodiments of the invention, specifically for being used in motorized vehicles, airplanes, jets, boats, yachts, or ships.

Office Action, 5. Applicant has canceled amendments specifically relating to possible uses for embodiments of the invention that the Examiner asserts is not supported by the original disclosure (i.e. motorized vehicles, airplanes, jets, boats, yachts, or ships).

D. The Examiner asserts that matter was added which was not supported by the original disclosure relating to how status information is conveyed by the display of the user interface module. *Office Action*, 5. Applicant has canceled claim 559.

E. The Examiner asserts that matter was added which was not supported by the original disclosure relating to further interaction components of the user interface. *Office Action*, 5. Applicant has canceled claims 560 and 561.

F. The Examiner asserts that matter was added which was not supported by the original disclosure relating to the audio information being in a WMA format. *Office Action*, 5. Applicant has canceled claim 569.

G. The Examiner asserts that matter was added which was not supported by the original disclosure relating to the audio information source being an Apple iPod. *Office Action*, 6. Applicant has canceled claim 572.

As such, Applicant believes the present application to be in compliance with 35 U.S.C. § 132(a) and respectfully requests the Examiner's objection be withdrawn.

Amendment to the Specification

The Examiner asserts that the abstract is objected to because it contains implied phraseology, citing MPEP § 608.01(b). *Office Action*, 6-7. The phrase "is described" has been deleted. Also, the abstract has been amended to omit "the form and legal phraseology often used in claims," as specified by the Examiner, and now falls within

the range of 50-150 words. As, such, Applicant respectfully requests the Examiner's objection to the abstract be withdrawn. Also, the Examiner requests Applicant's cooperation in correcting errors in the specification. Applicant is currently unaware of any errors in the specification.

Objections to the Claims

The Examiner asserts that claims 86, 91, 127, 139, 229, 555, 556, and 562 are objected to due to lack of antecedent basis. *Office Action*, 7. Applicant has amended claims 86, 91, 127, 139, 229, 556, and 562 to correct antecedent basis problems asserted by the Examiner. Claim 555 has not been amended to correct antecedence since correcting the antecedent basis of claim 86 accomplishes this. As such, Applicant respectfully requests the Examiner's objection to claims 86, 91, 127, 139, 229, 555, 556, and 562 be withdrawn.

Rejections under 35 U.S.C. § 112 ¶ 1

The Examiner asserts that claims 559-561 and 569-572 are rejected under 35 U.S.C. § 112 ¶ 1 as failing to comply with the written description requirement. *Office Action*, 9. As discussed herein, Applicant has canceled claims 559-561 and 569-572.

Rejections under 35 U.S.C. § 112 ¶ 2

The Examiner asserts that claims 109, 562, and 563 are rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. *Office Action*, 9. Claims 109, 562, and 563 have been amended to comply with 35 U.S.C. § 112 ¶ 2. Claims 562 and 563 have been amended to include the limitation "delay perceivable by a listener," rather than "appreciable delay," which is supported at least in the specification at page 2, lines 16-23. No new matter has been added by the amendments. As such, Applicant respectfully requests the Examiner's rejection of claims 109, 562, and 563 under 35 U.S.C. § 112 ¶ 2 be withdrawn.

Rejections under 35 U.S.C. § 101

The Examiner asserts that claims 218, 219, 221, 229, 233, and 244 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. *Office Action*, 11. Applicant has amended claim 218 such that it is now directed to a "computer readable storage medium having embodied thereon a computer program, the computer program being executable by a computer processor to" As such, Applicant believes the Examiner's rejection of claim 218 has been overcome and, as claims 219, 221, 229, 233, and 244 depend from claim 218, the Examiner's rejections of claims 219, 221, 229, 233, and 244 have also been overcome. Applicant does not believe any new matter has been introduced and requests that the rejection of claims 218, 219, 221, 229, 233, and 244 under 35 U.S.C. § 101 be withdrawn.

Other Amendments to the Claims

Applicant has amended claim 557. As amended, claim 557 includes "... an interface module configured to control one or more synchrony groups" This is supported by at least by claim 558. Claim 558 has been canceled. As such, Applicant does not believe any new matter has been introduced by these amendments.

Rejections under 35 U.S.C. § 102(a)

The Examiner asserts that claims 1-4, 31, 65-66, 91, 109-112, 118, 121, 139, 156, 201-202, 206, 218-219, 221, 244, 557, 562-563, 565-568, 570-571, 575, and 576 are rejected under 35 U.S.C. § 102(a) as being anticipated by Jo ("Synchronized one-to-many media streaming with adaptive playout control," December 10, 2002) [hereinafter "*Jo*"]. *Office Action*, 13. Applicant traverses.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1, 109, and 218

With respect to claim 1, the Examiner asserts that *Jo* teaches “the task source device being configured to distribute a series of tasks to the synchrony group,” as set forth in claim 1. *Office Action*, 13. The Examiner supports this assertion stating “Jo: Section 2.1 specifies the system is for scheduling audio/video streams to multiple clients, using, for example, MPEG-2 or MPEG-4.” However, *Jo* explicitly states that “[t]o provide high-quality video streaming and ease the client adaption to network fluctuations and system dynamics, the **client-based adaptive playout** is adopted in this work.” *Jo*, sect. 2.2, paragraph 1 (emphasis added). Therefore, no tasks are distributed to the clients. In fact, the “scheduler” is within the client, as can be seen in the magnified portion of *Jo*, FIG. 1. Because *Jo* does not distribute tasks to clients, *Jo* does not teach “the task source device being configured to distribute a series of tasks to the synchrony group,” as recited in part in claim 1.

The Examiner also asserts that *Jo* teaches “each task being associated with a time stamp indicating a time, relative to a clock maintained by the task source device, at which the devices comprising the synchrony group are to execute the respective task,” as set forth in claim 1. *Office Action*, 13. The Examiner supports this assertion by noting that MPEG-2 files “have a Presentation TimeStamp (PTS) in the header.” The mere presence of a timestamp in a header in *Jo* does not teach that a “task [is] associated with a time stamp,” as set forth in claim 1.

Further, *Jo*’s PTS is not “a time stamp indicating a time ... at which the devices ... are to execute the respective task,” as set forth in claim 1. The only function of a timestamp in *Jo* is to allow the scheduler to record the time of the presentation. *Jo*, sect. 2.2, paragraph 1. Since the PTS taught by *Jo* is not associated with a task and does not indicate a time at which a device is to execute a task, *Jo* fails to teach “each task being associated with a time stamp indicating a time, relative to a clock maintained by the task source device, at which the devices comprising the synchrony group are to execute the respective task,” as recited in part in claim 1.

Based at least on the remarks herein, Applicant believes that independent claim 1 is in condition for allowance. Additionally, as independent claims 109 and 218 contain similar elements to those of independent claim 1, claims 109 and 218 are likewise in condition for allowance for at least the same reasons.

Independent claims 65, 201, and 557

Regarding claim 65, the Examiner asserts that *Jo* teaches “an interface module configured to receive the series of tasks.” *Office Action*, 14. The Examiner supports this assertion by stating that in *Jo*, “the clients have receiver buffers.” However, a receiver buffer as taught by *Jo* is not equivalent to the “interface module” of claim 65. In *Jo*, the receiver buffer merely serves to stack the multiplexed stream while it waits for decoding and playback. *Jo*, sect. 2.2, paragraph 1. Since the receiver buffer in *Jo* clearly is not an interface and is not configured to receive tasks, *Jo* does not teach “an interface module configured to receive the series of tasks,” as recited in part in claim 65.

Based at least on the remarks herein, and as independent claim 65 contains similar elements to those of independent claim 1, Applicant believes that independent claim 65 is in condition for allowance. Additionally, as independent claims 201 and 557 contain similar elements to those of independent claims 1 and 65, claims 201 and 557 are likewise in condition for allowance for at least the same reasons.

Independent claim 576

The Examiner asserts that *Jo* teaches “a system for synchronizing operations among a plurality of digital data processing devices comprising a zone player residing within one or more audio reproduction devices,” as recited in claim 576. *Office Action*, 21. The Examiner supports this assertion by equating the “controller” and “clients,” disclosed in the abstract of *Jo*, with the “zone player” and “audio reproduction devices,” respectively, set forth in claim 576. However, as shown in the magnified portion of *Jo*’s FIG. 1, the controller only consists of a timer and monitor. Because a timer and monitor are clearly not the same as a zone player, *Jo* fails to teach “a system for synchronizing

operations among a plurality of digital data processing devices comprising a zone player residing within one or more audio reproduction devices,” as recited in claim 576. Based at least on the remarks herein, Applicant believes that independent claim 576 is in condition for allowance.

Dependent claims

As a dependent claim incorporates by reference all the limitation of the claim from which it depends (see 35 U.S.C. § 112, ¶ 4), claims 2-4, 31, 66, 91, 110-112, 118, 121, 139, 156, 202, 206, 219, 221, 244, 562-563, 565-568, and 575 are allowable for at least the same reasons as the independent claim from which they depend.

Rejections under 35 U.S.C. § 103(a)

The Examiner asserts that claims 5, 9-10, 20, 33, 86, 113-114, 117, 127-128, 141, 229, 233, and 554-555 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo*, and further in view of *Anjum* (U.S. Pub. 2003/00992121 A1) [hereinafter “*Anjum*”]. *Office Action*, 21. The Examiner asserts that claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Jo* and *Anjum*, in further view of *Powers* (U.S. Pub. 2004/0203378 A1) [hereinafter “*Powers*”]. *Office Action*, 25-26. The Examiner asserts that claims 138, 564, 573, and 574 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jo*, and further in view of *Miyabe* (U.S. Pub. 2001/0032188 A1) [hereinafter “*Miyabe*”]. *Office Action*, 26. The Examiner asserts that claims 6, 551, and 556 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo* and *Anjum*, and further in view of *Tsuk* (U.S. Pat. 7,312,785 B2) [hereinafter “*Tsuk*”]. *Office Action*, 28. The Examiner asserts that claim 552 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo* and *Anjum*, in further view of *Lo* (U.S. Pat. 6,031, 818) [hereinafter “*Lo*”]. *Office Action*, 31. The Examiner asserts that claims 549 and 550 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jo*, and further in view of *Flood* (U.S. Pat. 7,007,106 B1) [hereinafter “*Flood*”]. *Office Action*, 32. Applicant traverses.

Applicant respectfully disagrees with the Examiner's rejection of claims 5, 9-10, 19-20, 33, 86, 113-114, 117, 127-128, 138, 141, 229, 233, 549-552, 554-556, 564, and 573-574, in that claims 5, 9-10, 19-20, 33, 86, 113-114, 117, 127-128, 138, 141, 229, 233, 549-552, 554-556, 564, and 573-574 depend from otherwise allowable claims as discussed in details herein. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." 35 U.S.C. § 112, ¶ 4. As *Anjum*, *Power*, *Miyabe*, *Tsuk*, *Lo*, and *Flood* do nothing to overcome the absent teachings of *Jo*, Applicant contends that dependent claims 5, 9-10, 19-20, 33, 86, 113-114, 117, 127-128, 138, 141, 229, 233, 549-552, 554-556, 564, and 573-574 are allowable for at least the same reasons as the independent claim from which they depend.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant believes the rejections to the claims have been overcome, and that the present application is in condition for allowance. The Examiner is invited to contact Applicant's undersigned representative with any questions concerning this matter.

Respectfully submitted,
Nicholas A. J. Millington

April 17, 2008

By:



K. Brian Bathurst, Reg. No. 51,442
Carr & Ferrell LLP
2200 Geng Road
Palo Alto, CA 94303
T: 650.812.3419
F: 650.812.3444